THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION No. 13735 OF 2006

Dated 27th February 2007

Between:

K.Rajamanohar

…Petitioner

and

The Govt. of A.P., rep. by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13735 OF 2006

O R D E R:

The petitioner was appointed as a Notary, through proceedings dated 28.8.1999. The order was valid up to 27.8.2002. He states that he submitted an application to the 2nd respondent on 22.8.2002, for renewal of the Notaryship, together with a challan for the requisite amount. According to him, the application and challan were misplaced by the 2nd respondent, and at the instance of the latter, a fresh application was filed on 24.2.2005. The 2nd respondent rejected the application, dated 24.2.2005, through letter dated 14.6.2006, on the ground that it was filed after expiry of the validity of the Certificate of Practice. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

According to Section 10)b) of the Notaries Act, 1952, an application for renewal of the Certificate of Practice must be filed, before the expiry of the validity. The petitioner asserts that he submitted an application on 22.8.2002, much before the expiry of the validity, and that the same was received on 26.8.2002. A copy of the postal acknowledgment said to be the one, from the 2nd respondent, is also filed. Further, a copy of the challan for Rs.25/- paid on 22.8.2002 is placed before this court.

The 2nd respondent does not appear to have been apprised of the fact that the petitioner made an application within time. Since the application, dated 24.2.2005, was being considered, the impugned order cannot be found fault with. However, if the petitioner had adequate proof that the application for renewal was made on 22.8.2002, the impugned order does not come in the way of the 2nd respondent, in considering the fresh application.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner, to place necessary material before the 2nd respondent, in support of his contention that an application for renewal was made on 22.8.2002. If the same is found to be correct, the 2nd respondent shall consider the same, in accordance with law, notwithstanding the impugned order, through which he rejected the application dated 24.2.2005 submitted by the petitioner. This exercise shall be completed within six weeks from the date on which the petitioner submits the necessary material. There shall be no order as to costs.

27th February 2007

PAN